

LATHAM & WATKINS LLP
 Matthew Rawlinson (SBN 231890)
 140 Scott Drive
 Menlo Park, California 94025
 T: (650) 328-4600 / F: (650) 463-2600
 matthew.rawlinson@lw.com

Elizabeth Deeley (SBN 230798)
 505 Montgomery Street, Suite 2000
 San Francisco, California 94111
 T: (415) 391-0600 / F: (415) 395-8095
 elizabeth.deeley@lw.com

Andrew B. Clubok (*pro hac vice*)
 Susan E. Engel (*pro hac vice*)
 555 Eleventh Street, NW, Suite 1000
 Washington, D.C. 20004
 T: (202) 637-2200 / F: (202) 637-2201
 andrew.clubok@lw.com
 susan.engel@lw.com

Colleen C. Smith (SBN 231216)
 12670 High Bluff Drive
 San Diego, California 92130
 T: (858) 523-5400 / F: (858) 523-5450
 colleen.smith@lw.com

*Attorneys for Defendants Lyft, Inc., Logan Green,
 John Zimmer, Brian Roberts, Prashant (Sean)
 Aggarwal, Jonathan Christodoro, Ben Horowitz,
 Valerie Jarrett, David Lawee, Hiroshi Mikitani, Ann
 Miura-Ko, and Mary Agnes (Maggie) Wilderotter*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

In re LYFT INC. SECURITIES
 LITIGATION

This Document Relates to:
 ALL ACTIONS

Master File No. 4:19-cv-02690-HSG

**DECLARATION OF COLLEEN C. SMITH
 IN SUPPORT OF LYFT DEFENDANTS'
 MOTION TO DISMISS PLAINTIFF'S
 CONSOLIDATED AMENDED CLASS
 ACTION COMPLAINT**

Date: July 23, 2020
 Time: 2:00 p.m.
 Courtroom: Courtroom 2, 4th Floor

Hon. Haywood S. Gilliam, Jr.

1 I, Colleen C. Smith, declare as follows:

2 I am an attorney duly licensed by the State Bar of California and admitted to practice
3 before this Court. I am an attorney with the law firm of Latham & Watkins LLP, counsel of
4 record for Defendants Lyft, Inc. (“Lyft”), Logan Green, John Zimmer, Brian Roberts, Prashant
5 (Sean) Aggarwal, Jonathan Christodoro, Ben Horowitz, Valerie Jarrett, David Lawee, Hiroshi
6 Mikitani, Ann Miura-Ko, and Mary Agnes (Maggie) Wilderotter (“Lyft Defendants”) in the
7 above-captioned case. I make this Declaration in support of the Lyft Defendants’ Motion to
8 Dismiss Plaintiff’s Consolidated Amended Class Action Complaint for Violations of Federal
9 Securities Laws, filed concurrently herewith. I have personal knowledge of the facts stated in this
10 Declaration and, if called upon, could and would testify competently thereto.

11 1. Attached hereto as **Exhibit 1** is a true and correct copy of Lyft’s Form S-1/A
12 Registration Statement, as filed with the SEC on March 27, 2019.

13 2. Attached hereto as **Exhibit 2** is a true and correct copy of Lyft’s Form 10-Q for the
14 quarterly period ended March 31, 2019, as filed with the SEC on May 14, 2019.

15 3. Attached hereto as **Exhibit 3** is a true and correct copy of Uber Technologies,
16 Inc.’s Form S-1 Registration Statement, as filed with the SEC on April 11, 2019.

17 4. Attached hereto as **Exhibit 4** is a true and correct copy of an article published by
18 *The New York Times* on April 10, 2019, titled “Uber Is Said to Aim for I.P.O. Valuation of Up to
19 \$100 Billion,” and available at <https://www.nytimes.com/2019/04/10/technology/uber-ipo.html>.

20 5. Attached hereto as **Exhibit 5** is a true and correct copy of an article published by
21 CNN on April 14, 2019, titled “Lyft pulls electric bicycles in DC, NY and San Francisco after
22 reports of brake issues,” and available at [https://www.cnn.com/2019/04/14/tech/lyft-e-bike-](https://www.cnn.com/2019/04/14/tech/lyft-e-bike-service-pause/index.html)
23 [service-pause/index.html](https://www.cnn.com/2019/04/14/tech/lyft-e-bike-service-pause/index.html).

24 6. Attached hereto as **Exhibit 6** is a true and correct copy of an article published by
25 CNN on April 30, 2018, titled “CNN investigation: 103 Uber drivers accused of sexual assault or
26 abuse,” and available at [https://money.cnn.com/2018/04/30/technology/uber-driver-sexual-](https://money.cnn.com/2018/04/30/technology/uber-driver-sexual-assault/index.html)
27 [assault/index.html](https://money.cnn.com/2018/04/30/technology/uber-driver-sexual-assault/index.html).

7. Attached hereto as **Exhibit 7** is a true and correct copy of an article published by the *Financial Times* on December 27, 2018, titled “When things go wrong at Uber: inside its serious incident team,” and available at <https://www.ft.com/content/3de6d6e8-034c-11e9-99df-6183d3002ee1>.

8. Attached hereto as **Exhibit 8** is a true and correct copy of an article published by *Forbes* on May 21, 2018, titled “Lawmakers Seek Answers from Uber, Lyft on Sexual Assault After CNN Report,” and available at <https://www.forbes.com/sites/janetwburns/2018/05/21/lawmakers-finally-demand-answers-on-uber-lyft-sexual-assaults-after-cnn-report>.

9. Attached hereto as **Exhibit 9** is a true and correct copy of an article published by *Newsweek* on May 1, 2018, titled “Uber and Lyft Drivers Accused of More than 120 Rapes and Sexual Assaults: Report,” and available at <https://www.newsweek.com/uber-and-lyft-drivers-accused-more-120-rapes-and-sexual-assaults-report-906544>.

10. Attached hereto as **Exhibit 10** is a true and correct copy of an article published by *The New York Times* on December 5, 2019, titled “19 Women Sue Lyft as Sexual Assault Allegations Mount,” and available at <https://www.nytimes.com/2019/12/05/business/lyft-sexual-assault-lawsuit.html>.

11. Attached hereto as **Exhibit 11** is a true and correct copy of an article published by *USA Today* on January 6, 2020, titled “The anti-Uber? Lyft’s track record on safety, sexual assaults lawsuits undercuts ‘good guy’ image,” and available at <https://www.usatoday.com/story/tech/2020/01/06/lyft-not-safer-than-rival-uber-sexual-assaults-drivers-critics/2828069001/>.

12. Attached hereto as **Exhibit 12** is a true and correct copy of an article published by *Forbes* on March 25, 2019, titled “Uber and Lyft Drivers Strike in LA After Yet Another Uber Pay Cut,” and available at <https://www.forbes.com/sites/janetwburns/2019/03/25/uber-and-lyft-drivers-strike-in-la-after-yet-another-pay-cut/#f30259026e41>.

13. Attached hereto as **Exhibit 13** is a true and correct copy of an article published by *NBC News* on March 25, 2019, titled “Uber and Lyft drivers in Los Angeles strike over pay,

1 working conditions,” and available at [https://www.nbcnews.com/news/us-news/uber-lyft-drivers-](https://www.nbcnews.com/news/us-news/uber-lyft-drivers-los-angeles-strike-over-pay-working-conditions-n987276)
2 [los-angeles-strike-over-pay-working-conditions-n987276](https://www.nbcnews.com/news/us-news/uber-lyft-drivers-los-angeles-strike-over-pay-working-conditions-n987276).

3 14. Attached hereto as **Exhibit 14** is a true and correct copy of an article published by
4 Bicycling magazine on April 26, 2019, titled “Lyft Pulled Thousands of E-Bikes From City
5 Streets. Here’s What Went Wrong,” and available at
6 <https://www.bicycling.com/news/a27287868/lyft-electric-bike-share-recall/>.

7 15. Attached hereto as **Exhibit 15** is a true and correct copy of Plaintiff’s Amended
8 Certification of Securities Fraud Class Action Complaint, filed with the Court on July 29, 2019 at
9 ECF No. 49-1.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed on May
11 14, 2020 in San Diego, California.

12
13 By: 
14 Colleen C. Smith